

THE HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

DANIEL BREWER,

Plaintiff,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

No. C04-5293RJB

**STIPULATION AND ORDER
REGARDING EXPERT
DISCLOSURES AND OTHER
PRETRIAL DATES**

I. STIPULATION

For the purpose of advancing settlement discussions and to minimize further litigation costs, the parties hereby stipulate that, pursuant to FRCP 26(a)(2)(B), they shall not exchange expert reports.

The parties further stipulate that (1) on or before August 24, 2005, each party shall disclose to the other party the names and addresses of their identified expert witnesses, the general subject matter(s) on which they may be expected to testify, and a copy of their curriculum vitae; (2) on or before August 30, 2005, the parties may send each other interrogatories asking for the more detailed information set forth in FRCP 26(a)(2)(B), with receipt of answers due no later than one month before the discovery cutoff (i.e., no later than September 30, 2005); (3) the discovery cutoff shall be extended one week until October 31, 2005; and (3) the pretrial deadline for filing motions related to discovery shall be extended four (4) days until October 7, 2005.

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KEATING, BUCKLIN & MCCORMACK, INC., P.S.

ATTORNEYS AT LAW
800 FIFTH AVENUE, SUITE 4141
SEATTLE, WASHINGTON 98104-3175
PHONE: (206) 623-8861
FAX: (206) 223-9423

The parties further stipulate that each side may exceed the maximum limit for interrogatories only for the limited purpose of soliciting the expert witness disclosures contemplated by this Stipulation.

Both parties reserve their rights to depose any expert witnesses so disclosed by the other party. Both parties reserve their right to name rebuttal expert witnesses to contradict or rebut evidence on the same subject matter identified by another party under FRCP 26(a)(2)(B), within thirty (30) days after receipt of the detailed disclosures made by the other party in response to expert interrogatories. The parties agree that they will file a stipulation and proposed order with the court extending the discovery cutoff by at least two weeks to accommodate either party's request to depose a rebuttal expert witness.

All other pretrial dates not listed above, in addition to the trial date, shall remain the same.

DATED this 5th day of August, 2005.

KEATING, BUCKLIN & McCORMACK, INC., P.S.

s/ Stephanie E. Croll
 Stephanie E. Croll, WSBA # 18005
 Attorney for Defendant City of Bainbridge Island
 Keating Bucklin & McCormack, Inc., P.S.
 800 Fifth Avenue, #4141
 (206) 623-8861
 (206) 223-9423 Facsimile
scroll@kbmlawyers.com

JOHANNESSEN & ASSOCIATES, P.S.

s/ Kim Johannessen
 Kim Maree Johannessen, WSBA #21447
 Attorney for Defendant City of Bainbridge Island
 Johannessen & Associates, P.S.
 5413 Meridian Avenue N., Suite C
 Seattle, WA 98103
 (206) 632-2000
 (206) 632-2500 Facsimile

BRICKLIN NEWMAN DOLD, LLP

s/ David Bricklin

David A. Bricklin, WSBA #7583

Ryan P. Vancil, WSBA #31913

Attorney for Plaintiff Daniel Brewer

Bricklin Newman Dold, LLP

1414 Fourth Avenue, #1015

Seattle, WA 98101-2217

(206) 621-8868

II. ORDER

Based on the foregoing Stipulation of the parties, it is hereby ordered that:

1. No expert reports shall be exchanged pursuant to FRCP 26(a)(2)(B).

2. On or before August 24, 2005, each party shall disclose to the other party the names and addresses of their identified expert witnesses and the general subject matter(s) on which they may be expected to testify, together with a copy of their curriculum vitae;

3. For expert witness and testimony disclosures, on or before August 30, 2005, the parties may send each other interrogatories asking for the more detailed information set forth in FRCP 26(a)(2)(B), with receipt of answers due no later than one month before the discovery cutoff (i.e., no later than September 30, 2005).

4. Discovery shall be completed by October 31, 2005.

5. The pretrial deadline for filing motions related to discovery shall be October 7, 2005.

6. Each side may exceed the maximum limit for interrogatories only for the limited purpose of soliciting the expert witness disclosures described in Paragraph 3 above.

7. Both parties may depose any expert witnesses so disclosed by the other party. Both parties reserve their right to name rebuttal expert witnesses to contradict or

1 rebut evidence on the same subject matter identified by another party under FRCP
2 26(a)(2)(B), within thirty (30) days of receipt of the detailed disclosures made by the other
3 party in response to expert interrogatories. If needed to accommodate either party's request
4 to depose a rebuttal expert witness, the parties shall file a stipulation and proposed order
5 with the court extending the discovery cutoff by at least two weeks or such other time
6 period as may be necessary to accommodate the schedules of counsel and experts.

7 It is further ordered that all other pretrial dates, and the trial date, shall remain the
8 same.

9 DONE IN OPEN COURT this 5th day of August, 2005.

10 

11 ROBERT J. BRYAN
12 United States District Judge

13 Presented by:

14 KEATING, BUCKLIN & McCORMACK,
15 INC., P.S.

16 s/Stephanie E. Croll

17 Stephanie E. Croll, WSBA # 18005
18 Defendant City of Bainbridge Island
19 Keating Bucklin & McCormack, Inc., P.S.
20 800 Fifth Avenue, #4141
(206) 623-8861
(206) 223-9423 Facsimile
scroll@kbmlawyers.com

21 JOHANNESSEN & ASSOCIATES, P.S.

22 s/ Kim Johannessen

23 Kim Maree Johannessen, WSBA #21447
24 Johannessen & Associates, P.S.
Attorney for City of Bainbridge Island
5413 Meridian Avenue N., #C

STIPULATION AND ORDER REGARDING EXPERT
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KEATING, BUCKLIN & McCORMACK, INC., P.S.

ATTORNEYS AT LAW
800 FIFTH AVENUE, SUITE 4141
SEATTLE, WASHINGTON 98104-3175
PHONE: (206) 623-8861
FAX: (206) 223-9423

1 Seattle, WA 98103
(206) 632-2000
2 BRICKLIN NEWMAN DOLD, LLP

3 s/ David Bricklin

David A. Bricklin, WSBA #7583
4 Ryan P. Vancil, WSBA #31913
Plaintiff Daniel Brewer
5 Bricklin Newman Dold, LLP
1414 Fourth Avenue, #1015
6 Seattle, WA 98101-2217
(206) 621-8868
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STIPULATION AND ORDER REGARDING EXPERT
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KEATING, BUCKLIN & MCCORMACK, INC., P.S.

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SEATTLE, WASHINGTON 98104-3175
PHONE: (206) 623-8861
FAX: (206) 223-9423